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MEXICAN LAND GRANTS IN CALIFORNIA

BY CHARLES C. BAKER.

The tenth article of the famous treaty of Guadalupe Hidalgo, as concluded February 2, 1848, concerned the status of the titles to private land grants in the territories acquired by the United States from Mexico. It was, however, stricken out on the passage of the treaty by the United States Senate. In the protocol signed at Queretaro on May 26, 1848, by the commissioners of the United States who came "with full powers from their Government to make to the Mexican Republic suitable explanations in regard to the amendments which the Senate and Government of the said United States have made in the treaty of peace," was included this explanation: "The American Government by suppressing the Xth article of the treaty of Guadalupe did not in any way intend to annul the grants of lands made by Mexico in the ceded territories. * * * Conformably to the law of the United States, legitimate titles to every description of property, personal and real, existing in the ceded territories are those which were legitimate titles under the Mexican law in California * * * up to the 13th of May, 1846 * * * " From a study of the United States patents covering the old grants, it may be learned how our government kept its promises of confirmation.

Of the patents recorded in Los Angeles County, 79 entries are of those issued by the United States confirming titles to private grants. I use the word entries advisedly, as there were but 78 instruments issued, one being twice recorded. The first of these patents, and the first patent recorded in this county, was for the Potrero Grande, recorded April 3, 1860. On December 7, 1897, the last patent covering a Los Angeles County land grant was recorded, it being for the Las Virgenes. Some of the grantees waited long to have their patents recorded. The patent for the Simi was twenty-four and a half years old when recorded, that for the Cañon de Santa Ana twenty-four years old, for the Potrero de Felipe Lugo eighteen years old, and for the Las Virgenes fourteen years old. Many were only recorded when a portion of the old grant was sold, the purchaser requiring it.

The oldest patent is that for the Rancho San Pedro, dated December 18, 1858, and signed by President Buchanan; the latest is for the Santiago de Santa Ana, dated December 21, 1883, and signed

by President Arthur. Of the 78 instruments, 39, or half, were signed by Grant, 17 by Johnson, 6 by Hayes, 5 by Lincoln, 4 each by Buchanan and Arthur, and 3 by Garfield. Thus it will be seen that it was over ten years after the treaty of Guadalupe was signed before the United States confirmed the title to any of these grants, while one claimant waited over thirty-five years till he could call his land his own. By 1869, or twenty-one years after the treaty, but twenty-six patents, or exactly a third of those recorded in this county, had issued.

The area of the patented grants was 1,419,474.93 acres. This is twice the land area of Rhode Island, with a tract one and a half times the land area of the District of Columbia thrown in for good measure. It would make a "shoestring" one mile wide from San Francisco to St. Louis, with over a Sabbath day's journey to spare.

The largest patented tract was the San Fernando Mission Estate, commonly called the Ex-Mission San Fernando, of 116,858 acres. A close second was the Simi of 113,009 acres. The Tejon of 97,616 acres was third, and the Santiago de Santa Ana of 78,941 acres fourth. These four contained over two-sevenths of the area of the entire patented grants. There were, besides these, nine tracts of forty thousand acres, five of thirty thousand, six of twenty thousand, and nine of ten thousand. Only thirteen tracts contained less than a thousand acres. The smallest tract was the Mission San Gabriel of 5.93 acres.

To any of you who are surprised at the areas of the old grants, I would say that the United States granted in this county to the Southern Pacific Railroad 162,331 acres, a tract greater than the Ex-Mission San Fernando, the San Pedro, the Potreros of San Juan Capistrano and the El Escorpion combined.

The decisions of the "United States Board of Land Commissioners to Ascertain and Settle the Private Land Claims in the State of California" were on the validity of the grant alone. Where valid and confirmed grants conflicted, it was the practice of the United States General Land Office to patent each grant, leaving to the courts the determination of matters of priority and superiority of right to the area in conflict. Two such cases occurred in this county. The Rancho San Jose was patented in 1875. In 1882 a 500-acre tract covered by the San Jose patent was included in that for the Los Nogales. The other, and most important, case was occasioned by the disputed boundaries of the Santa Gertrudis and Paso de Bartolo. A tract of 875 acres was patented to Bernardino Guirado in 1867 as "part of the Paso de Bartolo." Another tract was surveyed and confirmed, but not patented, to J. Sepulveda as part of the same rancho. In 1881 both the above tracts, and a portion of the Santa

Gertrudis, patented in 1870 to McFarland and Downey, were covered by the patent for the Paso de Bartolo Viejo to Pico and Perez.

The confirmation of the title to the city of Los Angeles for the old pueblo lands was of particular importance, as on it rested the titles of many holding under grant from the pueblo. Among these was the grant of a lot by the Ayuntamiento on May 27, 1844, to the "Society of Friends of the Country." President Johnson signed on August 9, 1866, the patent which confirmed a tract of over 17,000 acres, claimed by the city under a Mexican grant of August 25, 1844. This patent was twice recorded. A patent dated August 4, 1875, and signed by President Grant, was recorded before either entry of the Johnson patent. In the second patent the date of the grant under which the tract was claimed is not given. There are, therefore, due to the process of litigation, three entries of patents covering the old pueblo lands.

The grants under which claim was made for the various ranchos were both Spanish and Mexican. The United States did not recognize as valid the greater number of Spanish grants, but confirmed under a later Mexican grant. Under the early Spanish regime, a license was issued permitting settlement on and use of a certain tract. That this was not always a bona fide grant is shown by the fact that some were revoked. In the patents covering some of these Spanish grants, the later Mexican grant alone is avowed as giving title, which makes it difficult to determine the Spanish grants by a study of the patents alone.

The Spanish grants were eight in number, the San Rafael, the Los Nietos, the San Pedro, the Simi, the Topanja Malibu Sequit, the Santiago de Santa Ana, the San Antonio and the Rincon de las Bueyes.

Of these grants, the honor of greatest age belongs to the San Rafael, or La Zanja, granted by Gov. Fages October 20, 1784, to Jose Maria Verdugo, and regranted January 12, 1798, by Gov. Borica to the same. It is not only the oldest grant in this county, but in all California. The second grant was the Los Nietos, granted in November, 1784, by Gov. Fages, to Manuel Nieto. As patented, it contained 158,363 acres and was the largest grant in this county, Spanish or Mexican. It was not, however, patented by the United States in one tract. Seven patents were issued to the Nieto heirs or their assigns for portions of the old rancho, known as Los Ceritos, Los Coyotes, Las Bolsas, Los Alamitos and Santa Gertrudis. The third oldest grant, the San Pedro, was received by Juan Jose Dominguez in 1784 from Gov. Fages. These three are, in order, the oldest grants in California. Their nearest competitor was the Salinas, in the Monterey district, granted before 1795.

The fourth Spanish grant was the San Jose de Gracia de Simi to

Patricio, Javier and Miguel Pico about 1795 by Gov. Borica, and regranted by Gov. Sola in March, 1821, to the same. The rank of fifth Spanish grant in California lies between the Simi and the Buenavista, of the Monterey district, granted in 1795.

Gov. Arrillaga is credited with the next three Spanish grants in the Los Angeles district. These were the Topanja Malibu Sequit, about 1804 to Jose Bartolome Tapia, the Santiago de Santa Ana, July 1, 1810, to Antonio Yorba, and the San Antonio in 1810 to Antonio Maria Lugo. The eighth, last and smallest of the Spanish grants, being for a mere 3127 acres, was the Rincon de las Bueyes, made December 7, 1821, by Gov. Sola to Bernardo Higuera and Cornelio Lopez.

The Sausal Redondo and Las Cienegas I have not considered as Spanish grants. Gov. Sola granted the first in 1822, but perhaps not before he took the oath to the Mexican government on April 11th of that year. The Las Cienegas, though spoken of as a Spanish grant, was actually made in 1823.

Bancroft mentions also the El Conejo granted by Gov. Arrillaga in 1803 to Polanco and Rodriguez, and it is shown on an official Los Angeles County map, but no patent for it is recorded here.

There was much indefiniteness regarding the Mexican grants due to several causes. Most of the Spanish grants were regranted in Mexican times, and, as in the case of the Los Nietos, in several tracts to the heirs. There was also a practice of regranteeing with additions, and of regranteeing to confirm the sale of part interest, as in the case of the San Jose and San Jose Addition. The determination of seniority of these grants or rank as to size is difficult, but is of much less importance than as regards the Spanish grants.

The Mexican grants to Indians are of importance. El Encino of 4460 acres, the largest of these tracts, was granted in 1845 to the "natives Ramon, Francisco and Roque." A tract, known later, from its patentee, as the Jose Domingo Tract, was granted in 1845 to "Felipe." El Escorpion was granted the same year to "Urbano, Odon and Manuel, Indians." Simeon, styled "an emancipated Indian of San Gabriel," received a lot near San Gabriel in 1846. Victoria, wife of Perfecto Hugo Reid, and an Indian "princess," was granted the Huerta de Cuati in 1838. The last three tracts were patented by the United States to the grantees.

The Missions retained but little of the vast tracts they once claimed. The great estate of San Fernando, already noted, was granted in 1846 to Eulogio de Celis. That of San Juan Capistrano, known as the Potreros of San Juan Capistrano, was granted to Juan Forster in 1845. It was composed of three detached tracts, having an area of 1167 acres, called Potrero Los Pinos, Potrero El Cariso, and Potrero de la Cienega. The remains of the San

Gabriel estate came to a much different fate. Some of the creditors of the establishment made application in 1846 to Gov. Pio Pico for an adjustment of their claims. Pico in June of that year appointed Antonio Cat and Perfecto Hugo Reid as commissioners to audit and adjust these claims. In the same month Pico granted the mission estate to Reid and William Workman, the grantees to pay the claims against the estate and support the religious establishment. In 1852 the interest of Reid was sold on execution to Aaron Pollard of San Francisco. Later, Henry Dalton, one of the creditors of the former establishment, sued Workman and Pollard to collect his claim, but it came to naught for the reason that the United States refused to confirm the old grant. It is worthy of note that but one Mexican profited by the grants of the mission estates, and it is equally notable that all the other grantees were originally British subjects.

It must not be judged from the above that petitions for mission lands were invariably granted. In 1839 Hugo Reid made his first petition for the Santa Anita, but the committee of the Ayuntamiento reported that "the place is filled with young cattle of San Gabriel Mission and with Indian plantations of the same place," and Reid's petition was denied. Neither did the padres sit supinely by while the land they claimed was granted away. When Luis Arenas in 1841 petitioned for the Azusa, the matter was referred to Father Tomas Estenega. He declined to report, hinting very strongly that on the arrival of the bishop in the very near future, not only would future grants of mission land be stopped, but even lands then granted would be returned. The covert threat availed nothing, however.

The missions had received no grants from Spain or Mexico for their lands, but the United States patented to Joseph Sadoc Alemany, Bishop of Monterey, small tracts at each mission. Under the patents San Fernando received 76.94 acres, San Juan Capistrano 44.40 acres, and San Gabriel 5.93 acres, a total of 127.27 acres.

The grants made in 1846 were the cause not only of much litigation but of unfavorable comment by historians and others. Some were not confirmed, but eight were patented by the United States. These were La Liebre to Jose Maria Flores, Trabuco to Juan Forster, Lomas de Santiago to Teodocia Yorba, Cañada de Los Alisos to Jose Serano (a regrant from 1842), the lot of the Indian Simeon, Los Palos Verdes to Juan and Jose L. Supelveda, Ex-Mission San Fernando to Eulogio de Celis, and the Island of Catalina to Thomas M. Robbins. The Board of Land Commissioners had arbitrarily decided on July 7, 1846, as the date on which Mexican rule ceased in California. The grant of Catalina was dated July 4th of that year. Thus with the San Rafael and Catalina Los Angeles County may lay claim to the Alpha and Omega of the old land grants.

Bancroft shows eighteen Mexican grants in the Los Angeles district which failed of confirmation by the United States, one of which, however, the Topanja Malibu Sequit, was later confirmed. Seven of these, including the San Gabriel Mission Estate, were granted in 1846. The oldest was the Rosa de Castillo to Juan Ballesteros in 1831.

There was perhaps nothing which caused more litigation regarding the indefiniteness of the old grants than the use of perishable boundary marks, principally trees. In the act of judicial possession of the Rancho San Jose, occur these words: "A large oak was taken as a boundary, in which was placed the head of a beef and some of its limbs chopped." Sometimes the brand of the owner was burned in the tree. When the United States' surveyors came, many of these marks had entirely disappeared, and much trouble was caused by endeavoring to ascertain their former location.

An attempt to make a definite list of those tracts which passed from the hands of the grantee or his heirs and were patented to others was unsatisfactory. Some tracts, as the Santa Anita, were sold during the Mexican regime. Again, it would require an intimate knowledge of the old Mexican families, particularly as to intermarriages, to be able to decide which tracts were patented to heirs of the grantee, though not bearing his name. However, ten of the United States patents for the larger ranchos were issued to those who acquired their interest after the Mexican period, and principally due to financial troubles of the grantee or his heirs.

The names of some of the grants are perpetuated in our present towns. The best known is doubtless San Pedro. The Sausal Redondo y Guaspito and the San Vicente y Santa Monica gave portions of their names to two other beach cities. La Puente is remembered by Puente in the San Gabriel Valley. The Rancho Azusa Dalton gave its name to Azusa, while Duarte is named from the Rancho Azusa Duarte. The capital of Orange County recalls the old Santiago de Santa Ana.

There were many confusions or duplications in the names of the grants. Antonio Maria Lugo's rancho was named San Antonio, and both the Rodeo de las Aguas and the Rancho Azusa Duarte were often so called. Again, there was Las Cienegas, the Paso de la Tigera was also called Cienega, and part of the estate of San Juan Capistrano was called Potrero de la Cienega. The Rancho Azusa Dalton lay east across San Gabriel River from the Rancho Azusa Duarte. The first was often called El Susa, and the latter Susita. There were also La Brea and Rincon de la Brea. The Santa Ana family of ranchos included the Santiago de Santa Ana, San Juan Cajon de Santa Ana, and Cañon de Santa Ana. After reading a

list of these names it is readily seen why abbreviated names were imperative.

By the erection of new counties, Los Angeles County lost many of the old grants. The Tejon went to Kern County, the Simi and part of the San Francisco to Ventura County, the Trabuco, La Paz, San Joaquin, Cañada de los Alisos, Lomas de Santiago, Las Bolsas, Bolsa Chica, Los Coyotes, Mission San Juan Capistrano, El Niguel, San Juan Cajon de Santa Ana, Santiago de Santa Ana, Cañon de Santa Ana, and parts of the La Habra, Los Alamitos and Rincon de la Brea to Orange County, while Riverside and Orange Counties divided the Potreros of San Juan Capistrano. These divisions would make very difficult the ascertaining of the exact acreage of the grants yet remaining in the present Los Angeles County.

The names of the grantees are a most interesting study. There were six large land owning families. The Nietos held the great Los Nietos. The Yorba family received the Lomas de Santiago, the Cañon de Santa Ana and the Santiago de Santa Ana. The Verdugos owned San Rafael and Los Felis. The Sepulvedas owned San Joaquin, San Vicente y Santa Monica and Los Palos Verdes. The Sausal Redondo, Las Cienegas, El Niguel and Tajanta were granted to the descendants of Cornelio Abila, one of the Fundadores of Los Angeles. The Dominguez family held San Pedro and Las Virgenes, and a Dominguez was joint grantee of La Brea.

A number of grantees were of foreign birth. Juan Forster of Trabuco, Henry Dalton of San Francisquito, and William Workman of La Puente, were Englishmen; Perfecto Hugo Reid of the Santa Anita was a Scotchman, and Michael M. White, who received a lot near San Gabriel, was probably an Irishman. John Rowland of La Puente and Thomas M. Robbins of Catalina were Americans.

In the history of Los Angeles County the names of some of the grantees were prominent. Jose Sepulveda of San Joaquin, Anastacio Abila of Tajanta, Francisco Abila of Las Cienegas, Gil Ybarra of Rincon de la Brea, Antonio Maria Lugo of San Antonio, Luis Arenas of the Azusa, and Ygnacio Palomares of San Jose, were all alcaldes of Los Angeles. Manuel Garfias of San Pascual was a member of Gen. Jose Maria Flores' army. Augustin Olivera of La Paz signed on the part of the Californians the Treaty of Cahuenga with Fremont, January 13, 1847. It was Mariano R. Roldan of La Habra who, as auxiliary judge of Los Angeles in charge of the schools, reported to the Ayuntamiento on January 19, 1846, that a meeting of parents had been held to raise contributions with which to pay fifteen dollars a month to Don Vicente Moraga who had agreed "to teach the children from their first letters." The parents failed to contribute enough, and the Ayuntamiento was asked to donate the balance, which, however, it did not do.

A study of the confirmation of the old grants shows but too plainly the truth of Bancroft's arraignment of the procedure of our government in the matter. That all the claimants fought for their land is proved by the opening clause of each land grant patent: "Whereas it appears from a duly authenticated transcript filed in the General Land Office of the United States, that, pursuant to the provisions of the Act of Congress approved the 3rd day of March, 1851, entitled, 'Ant act to ascertain and settle the private land claims in the State of California'," a certain person on a certain date filed his claim to a certain tract, when follows a survey of the litigation in the case. All too aptly it may be referred to as the tragedy of the old land grants.